

Dep & Ref  
Room # 307

DIVISION

Attorney Docket No. 826.1737



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:

Tomoyuki OSHIYAMA, et al.

Application No.: 09/911,419

Group Art Unit: 2672

Confirmation No.: 4145

Filed: July 25, 2001

Examiner: Lee, Hwa C.

For: IMAGE GENERATION SYSTEM, IMAGE GENERATING METHOD, AND STORAGE  
MEDIUM STORING IMAGE GENERATION PROGRAM

**PETITION**  
**REQUESTING REFUND**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

On May 3, 2004, a Final Office Action was mailed in this application. A response, including a one-month Extension of Time was filed on September 3, 2004. It is our understanding that the Amendment was then routed for image file wrapper (IFW) scanning. The file was not routed back to the Examiner for review of the September 3, 2004 Amendment until October 27, 2004 (see attached PAIR printout).

A call was made to the United States Patent and Trademark Office (USPTO), specifically to the Examiner, requesting the status of this application. On November 8, 2004, the Applicants were notified that a new Examiner has been assigned to the application because the previous Examiner left the USPTO. The new Examiner, Examiner Lee, indicated on November 8, 2004 that he has reviewed the Amendment filed on September 3, 2004 and had decided to withdraw the finality of the May 3, 2004 Office Action and reissue a new non-final Office Action.

To keep the application alive, a Request for Continued Examination (RCE) along with a Petition for an extension of time for an additional two months was filed on November 3, 2004. The fully extended deadline was November 3, 2004.

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Because of the delay in processing the Amendment for IFW scanning and the re-assignment of the application to another Examiner, the review by Examiner Lee was unreasonably delayed and, as a result, an RCE and extension of time fee had to be filed. The delay and the reassignment of the application by the USPTO was the proximate cause for the extension and the RCE. The RCE (\$790.00) and the petition for two-month extension of time (\$870.00) caused unnecessary fees of \$1,660.00.

Because of the delay in forwarding the Advisory Action, it is requested that the fees for the RCE and the extension of time in the amount of \$1,660.00 be refunded.

Accordingly, it is respectfully requested that the above-noted amount be credited to Deposit Account No. 19-3935 and that the Patent Office acknowledge this credit in writing to the undersigned.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 11/15/14

By: 

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RCE  
Inv

S&H Form: PTO/SB/30 (10/03)

## REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

(INCLUDING FILING FEE AND/OR PETITION FOR  
EXTENSION OF TIME FEE)

Subsection (b) of 35 U.S.C. §132, effective May 29, 2000  
provides for continued examination of a utility or plant application  
filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA)

To: Commissioner for Patents Box RCE PO Box 1450 Alexandria, VA 22313-1450		Attorney Docket No.: 826.1737	
First Named Inventor	Tomoyuki OSHIYAMA, et al.		
Application No.	09/911,419	Group Art Unit	2672
Filing Date	July 25, 2001	Examiner	Thu Thao Havan
CPA Filing Date		Confirmation No	4145
Title of Invention	IMAGE GENERATION SYSTEM, IMAGE GENERATING METHOD, AND STORAGE MEDIUM STORING IMAGE GENERATION PROGRAM		

This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.

1. Submission required under 37 C.F.R. §1.114 (Box a or b must be completed)

a. ☒ Previously submitted

i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on September 3, 2004  
(Any unentered amendment(s) referred to above will be entered).

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_

iii. ☐ Other

b. ☐ Enclosed

i. ☐ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☐ Other

2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. §103(c) for a period of \_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. §1.17(l) required).

b. ☐ Other

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11/04/2004 EABUBAK1 00000009 09911419

01 FC:1801 790.00 OP  
02 FC:1253 870.00 OP

Adjustment date: 12/23/2004 SDIRETA1  
11/04/2004 EABUBAK1 00000009 09911419  
01 FC:1801 -790.00 OP  
02 FC:1253 -870.00 OP

Repln. Ref: 12/23/2004 SDIRETA1 0008180200  
DAH: 193935 Name/Number: 09911419  
FC: 9204 \$1660.00 CR

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